

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

ARMANDO AGUILAR MORALES, on §  
behalf of himself and his minor daughter §  
J.J.A.R., and PEDRO RAMOS PEREZ on §  
behalf of himself and his minor son F.R.I., §

*Plaintiffs,* §

v. §

THE UNITED STATES OF AMERICA, §

*Defendant,* §

CIVIL ACTION NO. 3:23-CV-00247-KC

**PLAINTIFF'S RESPONSE AND NON-OPPOSITION TO**  
**DEFENDANT'S MOTION TO STAY**

Plaintiffs hereby notifies the Court that they do not oppose Defendant's motion under the following circumstances:

**FACTS**

Plaintiffs filed their Original Complaint on June 28, 2023. [ECF No. 1]. Defendant sought and received a month-long extension to file their responsive pleading in this matter on or about August 7, 2023. [ECF No. 11]. Defendant's motion to dismiss was entered into the docket on October 3, 2023. [ECF No. 13].

Defendant filed an Opposed Motion for a Protective Order to Stay Discovery and Scheduling Recommendations, seeking a stay of discovery and the scheduling order. [ECF No. 15]. Defendant sought Plaintiffs' agreement on this stay. Plaintiffs stated they would agree not to oppose Defendant's motion so long as Defendant agencies would produce in a reasonable time the

following limited set of documents notwithstanding a stay of discovery so that they can review those items while the motion to dismiss is being considered by the Court:

1. For Plaintiff F.R.I.:
  - A. ORR File
  - B. A-File<sup>1</sup>
2. For Plaintiff Pedro Ramos Perez:
  - A. A-File

Plaintiffs believe these are sets of documents which are organized in a way that should be easy to obtain and produce. Moreover, they are documents that only pertain to Plaintiffs themselves and would allow Plaintiffs to review their own institutional files during the time that the case is stayed.

Defendant filed its Motion for Stay before stating whether it would agree or oppose to Plaintiffs' proposal. However, on October 25, 2023, Defendant stated that it would produce the above-referenced documents in a reasonable time period assuming Plaintiffs can agree to a twenty-one page confidentiality order.

Plaintiffs negotiated with Defendant over the confidentiality order and it was entered today, November 9, 2023.

As a result of this agreement, Plaintiffs do not intend to oppose Defendant's motion for stay.

Respectfully submitted,

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<sup>1</sup> The A-file is shorthand for the U.S. government's immigration file for foreign-born, noncitizen immigrants. It is generally held in one location.

/s/ Christopher Benoit

**Christopher Benoit**

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and

Julie R. Ulmet (*pro hac vice* application pending)

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***ATTORNEYS FOR PLAINTIFFS***

**CERTIFICATE OF SERVICE**

I hereby certify that on November 9, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will cause all parties or counsel of record to be served by electronic means.

/s/ Christopher Benoit

**Christopher Benoit**